

13.5.82

TO SALLY CAPLAN, THORN EMI, LONDON
FM MICHAEL MOCKRIDGE, EDWARD CHANCE, LONDON

THERE IS EVIDENCE THAT DEATH IN THE WEST IS AVAILABLE IN AUSTRALIA
AND I APPEND THE TEXT OF AN ARTICLE WHICH HAS JUST COME TO
PHILIP MORRIS' ATTENTION.

PHILIP MORRIS FORMALLY REQUEST THAMES TO TAKE APPROPRIATE STEPS
IN AUSTRALIA TO PREVENT ANY SHOWING OF THE FILM. WE WILL BE
GRATEFUL IF YOU COULD ADVISE US WHAT STEPS ARE BEING TAKEN.
HEREWITH THE TEXT OF THE ARTICLE PUBLISHED IN 'TODAY'S AGE' IN
AUSTRALIA:

SEMINAR TO SEE COPY OF DAMNED FILM ON SMOKING
BY CHRISTOPHER REED IN SAN FRANCISCO AND ROSSLYN BEEBY IN
MELBOURNE.

A TELEVISION DOCUMENTARY ATTACHING CIGARETTE ADVERTISING AND
SMOKING AND WHICH WAS DAMNED BY A COURT IN BRITAIN, HAS BEEN
ACQUIRED BY AN AUSTRALIAN DOCTOR FOR PUBLIC SHOWING.

THE HALF-HOUR FILM 'DEATH IN THE WEST' IS DUE TO BE SCREENED
THIS WEEK IN SAN FRANCISCO.

ACCORDING TO AN ADELAIDE DOCTOR, DR. DENN SOUTHWOOD, PIRATE
COPIES OF THE FILM HAVE BEEN AVAILABLE IN AUST. FOR SEVERAL
YRS. DR. SOUTHWOOD SAID AN ADELAIDE TELEVISION STATION HAD
BEEN 'ON THE BRINK' OF SHOWING THE FILM, BUT HAD WITHDRAWN
BECAUSE OF COPYRIGHT PROBLEMS.

'DEATH IN THE WEST' WAS MADE BY THAMES TELEVISION, LONDON, IN
1976, BUT WAS SHOWN ONLY ONCE. THAMES WAS SUED BY PHILIP MORRIS
THE BIG AMERICAN TOBACCO COMPANY WHICH WON A COURT ORDER
PREVENTING ANY FURTHER SHOWINGS OF THE FILM.

THE FILM FEATURES THE WELL-KNOWN PHILIP MORRIS MARLBORO COUNTRY
ADVERTISEMENTS, WITH RUGGED COWBOYS IN MONTANA AND WYOMING
SMOKING CIGARETTES, AMID MAJESTIC MOUNTAIN SCENERY.

THE FILM THEN CUTS TO SIX AMERICAN COWBOYS WHO SMOKED CIGARETTES.
ALL WERE SUFFERING FROM LUNG CANCER OR EMPHYSEMA CAUSED, THEIR
DOCTORS SAID ON SCREEN, BY SMOKING. FIVE OF THEM DIED.

THE SURVIVOR IS SHOWN ON HIS HORSE, BREATHING FROM A TUBE
ATTACHED TO OXYGEN BOTTLES STRAPPED TO THE SADDLE.

PHILIP MORRIS CLAIMED THEY WERE MISLED ABOUT THE CRITICAL
NATURE OF THE FILM, WHEN THEY ALLOWED THEIR ADVERTISING MATERIAL
TO BE SHOWN. BOTH THE DIRECTOR OF THE FILM, MR. MARTIN SMITH
AND THE REPORTER AND ORIGINATOR, MR. PETER TAYLOR, DENY DECEIT.

UNDER AN INJUNCTION GRANTED IN 1979 THAMES WAS ORDERED TO GIVE
TO PHILIP MORRIS ANY FILM, SOUND, OR VIDEO-RECORDED MATERIAL,
WHETHER IT WAS USED IN THE FILM OR NOT.

COPYING THE FILM WAS MADE ILLEGAL, BUT A PIRATED AUSTRALIAN
VIDEO COPY, WHICH WILL BE SHOWN AT AN ANTI-SMOKING SEMINAR
IN SAN FRANCISCO, IS PROBABLY ONE OF SEVERAL EMANATING FROM AN
ORIGINAL PIRATE VIDEO MADE IN ANTICIPATION OF THE COURT ORDER.

ONE COPY WAS OBTAINED FOR THE SAN FRANCISCO SEMINAR FROM AN
ADELAIDE DOCTOR. IT WAS POSTED TO DR. PAUL MAGNUS, A PERTH
ACADEMIC, WHO IS A VISITING RESEARCH FELLOW IN CARDIO-VASCULAR
DISEASE PREVENTION AT STANFORD UNIVERSITY IN CALIFORNIA.

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DR. SOUTHWOOD, WHO IS THE PRESIDENT OF THE AUSTRALIAN COUNCIL ON SMOKING AND HEALTH IN SOUTH AUSTRALIA, SAID THERE WERE AT LEAST A DOZEN PIRATE COPIES OF THE FILM IN ADELAIDE.

DR. SOUTHWOOD SAID THAT DESPITE THE COURT INJUNCTION, HE DID NOT EXPECT TOBACCO COMPANIES TO OPPOSE THE FILM.

'IT'S SUCH A POWERFUL ANTI-SMOKING FILM, THAT I DON'T THINK THEY WOULD WANT TO RISK DRAWING ATTENTION TO IT,' HE SAID.

BUT THE DIRECTOR OF THE ANTI-CANCER COUNCIL OF VICTORIA, DR. NIGEL GRAY, SAID THE ACC WOULD NOT SUPPORT PUBLIC SCREENINGS OF THE PIRATED DOCUMENTARY.

NOT SANCTIONED.

DR. GRAY SAID RELEASE OF PIRATE COPIES HAD NOT BEEN SANCTIONED BY THE FILM'S ORIGINATOR, MR. PAUL TAYLOR, AND HE DID NOT WANT MR. TAYLOR, OR THAMES TELEVISION, TO 'COP IT' IF THE FILM WAS SHOWN ILLEGALLY.

HE SAID HE HAD SEEN IN ENGLAND A PIRATE VIDEO COPY OF 'DEATH IN THE WEST' SOON AFTER IT WAS SHOWN ON BRITISH TELEVISION, AND HAD FOUND IT 'MOST INTERESTING, BUT NOT UNORTHODOX' IN ITS PORTRAYAL OF CANCER VICTIMS AND SMOKING.

'IT'S A MARVELLOUS FILM, BUT THERE IS NOTHING IN IT THAT HASN'T BEEN SHOWN BEFORE,' HE SAID.

IF PHILIP MORRIS TAKES NO ACTION AGAINST THE FILM'S SCREENING IN SAN FRANCISCO, SOUTH AUSTRALIA'S ANTI-CANCER FOUNDATION MAY CONSIDER SHOWING A PIRATE COPY PUBLICLY.

THE CHAIRMAN OF PHILIP MORRIS LTD., MR. W.R.M. IRVINE TOLD A NEWS AGENT THAT THE COMPANY WOULD SEEK LEGAL ADVICE RE 'DEATH IN THE WEST' WAS SHOWN IN AUSTRALIA.

MR. IRVINE SAID HE HAD NOT SEEN THE FILM, AND HAD ONLY A VAGUE IDEA OF ITS CONTENT. HE SAID HE KNEW LITTLE OF THE LEGISLATION THAT HAD IN EFFECT BANNED THE FILM AND COULD OFFER NO COMMENT ON THE POSSIBILITY OF ACTION BY PHILIP MORRIS UNTIL THE FILM WAS SCREENED PUBLICLY.

WHEN THAT HAPPENS, I GUESS WE WILL TAKE STEPS TO ASSESS OUR SITUATION,' HE SAID.

REGARDS

MJM.2246

13.5.82

TO SALLY CAPLAN, THORN EMI, LONDON
FM MICHAEL MOCKRIDGE, COWARD CHANCE, LONDON
RE SHOWING OF DEATH IN THE WEST BY KRON

I UNDERSTAND THAT THE FILM WAS SHOWN. I WOULD BE GRATEFUL IF YOU COULD LET US HAVE A RESUME OF THE STEPS WHICH THAMES TOOK TO PREVENT THE SHOWING.

REGARDS

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